

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

tinyBuild LLC,
Plaintiff/Counterclaim Defendant,
v.
Nival International Limited,
Defendant/Counterclaim Plaintiff
and
Sergey Orlovskiy,
Defendant.

Case No.: 19-cv-00805-TSZ

**Defendant Nival International
Limited's Motion to Continue All
Dates**

NOTE ON THE MOTION
CALENDAR: September 11, 2020

Defendant/Counterclaim Plaintiff Nival International Limited hereby moves this honorable court for an order continuing all dates in his case, including trial, by at least ninety (90) days in light of the ongoing COVID-19 pandemic, which has continued to make it difficult for the parties to continue discovery. Namely,

though tinyBuild LLC and Nival International Limited¹ have completed voluminous written discovery, including by propounding and responding to interrogatories, requests for admission, and requests for production of documents, discovery in this case has been stalled by reason of the pandemic, which makes travelling for and sitting for depositions dangerous to the health of the attorneys, parties, witnesses, and court reporters.

Although counsel for Nival International Limited reached out to counsel for tinyBuild LLC to ascertain their position on this motion, tinyBuild LLC's counsel did not respond (whether to indicate their assent or dissent) before Nival International Limited filed this motion.

Accordingly, Nival International Limited hereby request that the Court continue all dates in this case, including the trial date, by at least 90 days, and set the following schedule or such schedule as the court may set in its discretion:

JURY TRIAL DATE	April 26, 2021
Discovery completed by	December 4, 2020
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	January 8, 2021
All motions related to expert witnesses (e.g. a Daubert motion) must be filed no later than the third Friday thereafter (see LCR 7(d))	January 15, 2020
All motions in limine should be filed by and noted on the motion calendar no later than the Friday before the Pretrial Conference (see LCR 7(d)(4))	February 19, 2021
<u>Agreed Pretrial order due</u>	March 19, 2021

¹ Sergey Orlovskiy has not yet been served and has not yet appeared in this case. Accordingly, there may yet also be further discovery that may arise after his appearance.

1 Trial Briefs, proposed voir dire questions, and March 19, 2021
2 jury instructions due

3 Pretrial conference to be held at 1:30 PM on March 29, 2021

4 Nival International Limited submits that this request to continue dates is not
5 as a result of any delay by the parties or that any parties will be unduly prejudiced
6 as a result of the continuance. This motion is made on the sole basis of the
7 ongoing global pandemic.

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9 DATED this 31st day of August, 2020,

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11 Respectfully submitted,

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13 Nival International Limited,
14 By its Attorneys,

15 /s/ Matthew Shayefar, Esq.
16 Matthew Shayefar, Esq. (*pro hac vice*)
17 Boston Law Group, PC
18 925 N La Brea Ave
19 West Hollywood, California 90038
20 Tel: 617-928-1806
21 Email: matt@bostonlawgroup.com
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23
24
25

26 It is so ordered.

1 DATED this _____ day of _____, 2020.

2
3 HON. THOMAS S. ZILLY
4 U.S. DISTRICT COURT JUDGE

5 Presented by:

6 BOSTON LAW GROUP, PC
7

8 By: /s/ Matthew Shayefar
9 Matthew Shayefar, Esq. (*pro hac vice*)
10 *Attorneys for Defendant Nival International Limited*
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Certificate of Service

I hereby certify on the date indicated below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties who have appeared in this matter.

Dated: August 31, 2020 /s/ Philip P. Mann